



Reprinted
February 26, 2008

ENGROSSED SENATE BILL No. 213

DIGEST OF SB 213 (Updated February 25, 2008 7:08 pm - DI 101)

Citations Affected: IC 8-1; IC 13-26; IC 34-30; IC 36-6.

Synopsis: Regional sewer districts. Provides that if rates or charges assessed by a regional sewer district serving not more than 350 customers are not paid within 60 days after they become due, the district may recover in a civil action the amount due, plus a penalty of 10% and a reasonable attorney's fee, from the delinquent user or owner of the property served by the district's sewage works. Specifies that the civil action may be filed on the small claims docket of a court with jurisdiction. Provides that if any charges assessed by a not-for-profit sewer utility are not paid within 60 days after they become due, the utility may: (1) recover in a civil action the amount due, plus a penalty of 10% and a reasonable attorney's fee, from the delinquent user or owner of the property served by the utility's sewage works; and (2) require that a water utility providing water service to a delinquent user discontinue service until payment of all overdue charges, along with any penalties, are received by the utility. Provides that the only matters that may be acted on at a special meeting of a township legislative body are the matters set forth in the notice of the meeting. Provides that if,

(Continued next page)

Effective: Upon passage; July 1, 2008.

Young R, Hershman
(HOUSE SPONSOR — STILWELL)

January 8, 2008, read first time and referred to Committee on Utilities & Regulatory Affairs.

January 24, 2008, amended, reported favorably — Do Pass.

January 28, 2008, read second time, ordered engrossed. Engrossed.

January 29, 2008, read third time, passed. Yeas 46, nays 2.

HOUSE ACTION

February 4, 2008, read first time and referred to Committee on Environmental Affairs.

February 14, 2008, reported — Do Pass.

February 25, 2008, read second time, amended, ordered engrossed.

ES 213—LS 6784/DI 101+



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at a special meeting, a township legislative body finds that a need for fire and emergency services or another emergency exists, the legislative body may authorize the township executive to borrow money sufficient to meet the emergency. (Current law does not specify that the legislative body may authorize the borrowing of money for fire and emergency services.) Specifies factors that the legislative body and any reviewing authority must consider in determining whether a fire and emergency services need exists requiring the expenditure of money not included in the township's budget estimates and levy. Provides that if the township received additional funds for such services in the immediately preceding budget year, any reviewing authority must consider the use of the funds in the immediately preceding budget year and the continued need for funding the services and operations to be funded with the loan proceeds. Authorizes the legislative body to take out temporary loans in an amount not more than 80% of the total anticipated revenue for the remainder of the year in which the loans are taken out. (Current law authorizes temporary loans not exceeding 50% of the total anticipated revenue for the remainder of the year in which the loans are taken out.)

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February 26, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 213

A BILL FOR AN ACT to amend the Indiana Code concerning
utilities.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1-2-125 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 125. (a) As used in this
3 section, "not-for-profit utility" means a public water or sewer utility
4 that:

- 5 (1) does not have shareholders;
- 6 (2) does not engage in any activities for the profit of its trustees,
7 directors, incorporators, or members; and
- 8 (3) is organized and conducts its affairs for purposes other than
9 the pecuniary gain of its trustees, directors, incorporators, or
10 members.

11 (b) A not-for-profit utility shall be required to furnish reasonably
12 adequate services and facilities. ~~The charge made by any A~~
13 not-for-profit utility **is entitled:**

- 14 **(1) to charge nondiscriminatory, reasonable, and just charges**
15 for any service rendered or to be rendered, either directly or in
16 connection with the service; ~~must be nondiscriminatory,~~
17 **reasonable, and just. and**

ES 213—LS 6784/DI 101+



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(2) to the remedies set forth in section 125.1 of this chapter if the charges described in subdivision (1) are not paid within sixty (60) days after they become due.

Each discriminatory, unjust, or unreasonable charge for the service is prohibited and unlawful.

(c) A reasonable and just charge for water or sewer service within the meaning of this section is a charge that will produce sufficient revenue to pay all legal and other necessary expense incident to the operation of the not-for-profit utility's system, including the following:

- (1) Maintenance and repair costs.
- (2) Operating charges.
- (3) Interest charges on bonds or other obligations.
- (4) Provision for a sinking fund for the liquidation of bonds or other evidences of indebtedness.
- (5) Provision for a debt service reserve for bonds or other obligations in an amount not to exceed the maximum annual debt service on the bonds or obligations.
- (6) Provision of adequate funds to be used as working capital.
- (7) Provision for making extensions and replacements.
- (8) The payment of any taxes that may be assessed against the not-for-profit utility or its property.

The charges must produce an income sufficient to maintain the not-for-profit utility's property in sound physical and financial condition to render adequate and efficient service. A rate too low to meet these requirements is unlawful.

(d) Except as provided in subsection (e), a not-for-profit public sewer utility may require connection to its sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures, if:

- (1) there is an available sanitary sewer within three hundred (300) feet of the property line; and
- (2) the utility has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before the date for connection stated in the notice.

(e) A ~~not-for profit~~ **not-for-profit** sewer utility may not require connection to its sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if the source of the waste is more than five hundred (500) feet from the point of connection to its sewer system.

SECTION 2. IC 8-1-2-125.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 125.1. (a) As used in this section, "not-for-profit**

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sewer utility" refers to a not-for-profit utility (as defined in section 125(a) of this chapter) that:

- (1) is established to provide sewage disposal service (as defined in section 89(a)(1) of this chapter); and
- (2) holds a certificate of territorial authority as required by section 89 of this chapter.

(b) Subject to subsection (c), if any charges assessed under section 125(b) of this chapter by a not-for-profit sewer utility are not paid within sixty (60) days after they become due:

- (1) the amount, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the not-for-profit sewer utility in a civil action in the name of the not-for-profit sewer utility from the delinquent user or owner of the property served by the utility's sewage works; and
- (2) the not-for-profit sewer utility may require that a water utility providing water service to a delinquent user discontinue service until payment of all overdue charges, together with any penalty allowed under subdivision (1), are received by the not-for-profit sewer utility.

(c) If charges assessed under section 125(b) of this chapter by a not-for-profit sewer utility are not paid within sixty (60) days after they become due, the not-for-profit sewer utility or the utility's designee shall send notice to the delinquent user stating:

- (1) the delinquent amount due, together with any penalty;
- (2) that:
 - (A) water service may be disconnected;
 - (B) the not-for-profit sewer utility may bring a civil action to recover the amount due, together with any penalty and a reasonable attorney's fee; or
 - (C) both of the actions described in clauses (A) and (B) may be taken;

if the user continues not to pay the delinquency and any penalty; and

- (3) the procedure for resolving disputed bills.

The not-for-profit sewer utility shall adopt a procedure for resolving disputed bills, as described in subdivision (3), that includes an opportunity for a delinquent user to meet informally with designated personnel empowered to correct incorrect charges. Payment of a disputed bill and penalties by a user does not constitute a waiver of rights to subsequently claim and recover from the not-for-profit sewer utility sums improperly charged to the user.

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(d) If the user fails to pay the delinquent amount or otherwise fails to resolve the charges as specified under subsection (c), the not-for-profit sewer utility or the utility's designee shall give written notice to the water utility serving the user to discontinue water service to the premises designated in the notice until notified otherwise. The notice must identify the delinquent user in enough detail to enable the water utility to identify the water service connection that is to be terminated. Upon receipt of the notice, the water utility shall disconnect water service to the user.

(e) Water service may not be shut off under this section if a local board of health has found and certified to the not-for-profit sewer utility that the termination of water service will endanger the health of the user and others in or near the territory served by the not-for-profit sewer utility.

(f) A water utility that discontinues water service in accordance with an order from a not-for-profit sewer utility or the not-for-profit sewer utility's designee does not incur any liability except to the extent of the water utility's own negligence or improper conduct.

(g) If the water utility does not discontinue service within thirty (30) days after receiving notice from the not-for-profit sewer utility, the water utility is liable for any sewer rates or charges that are:

- (1) incurred thirty (30) days after the water utility's receipt of notice to discontinue water service; and
- (2) not collected from the user.

(h) In addition to the penalties set forth in subsection (b), a delinquent user may not discharge water into the not-for-profit sewer utility's sewers and may have the property disconnected from the not-for-profit sewer utility's sewers.

SECTION 3. IC 13-26-11-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14.5. (a) This section applies to a regional sewage district that serves not more than three hundred fifty (350) customers.

(b) If rates or charges assessed under this chapter are not paid within sixty (60) days after they become due, the amount, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the board in a civil action in the name of the district from the delinquent user or owner of the property served by the district's sewage works. A civil action authorized by this subsection may be filed on the small claims docket of a court

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that has jurisdiction.

(c) If rates or charges assessed under this chapter are not paid within sixty (60) days after they become due, the board or the board's designee shall send notice to the delinquent user stating:

(1) the delinquent amount due, together with any penalty;

(2) that:

(A) water service may be disconnected;

(B) the board may bring a civil action to recover the amount due, together with any penalty and a reasonable attorney's fee; or

(C) both of the actions described in clauses (A) and (B) may be taken;

if the user continues not to pay the delinquency and any penalty; and

(3) the procedure for resolving disputed bills.

The board shall provide by ordinance a procedure for resolving disputed bills that includes an opportunity for a delinquent user to meet informally with designated personnel empowered to correct incorrect charges. Payment of a disputed bill and penalties by a user does not constitute a waiver of rights to subsequently claim and recover from the district sums improperly charged to the user.

(d) If the user fails to pay the delinquent amount or otherwise fails to resolve the charges as specified under subsection (c), the board may initiate a civil action as authorized by subsection (b).

(e) In addition to the penalties under subsection (b) and IC 13-26-14, a delinquent user may not discharge water into the district's sewers and may have the property disconnected from the district's sewers.

SECTION 4. IC 34-30-2-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 23.5. IC 8-1-2-125.1(f) (Concerning discontinuance of water service by a water utility).**

SECTION 5. IC 34-30-2-51.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 51.9. IC 13-26-11-14.5(g) (Concerning discontinuance of water service by a water utility).**

SECTION 6. IC 36-6-6-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13.5. (a) A special meeting may be held by the legislative body if the executive, the chairman of the legislative body, or a majority of the members of the legislative body issue a written notice of the meeting to each member of the legislative**

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body. The notice must state the time, place, and purpose of the meeting.

(b) The legislative body may consider any matter at a special meeting. However, the only matters that may be acted on at the special meeting are the matters set forth in the notice.

SECTION 7. IC 36-6-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A special meeting may be held by the legislative body if the executive, the chairman of the legislative body, or a majority of the members of the legislative body issue a written notice of the meeting to each member of the legislative body. The notice must state the time, place, and purpose of the meeting.

(b) At the any special meeting, if two (2) or more members give their consent, the legislative body may determine whether there is an a need for fire and emergency services or other emergency requiring the expenditure of money not included in the township's budget estimates and levy.

(b) Subject to section 14.5 of this chapter, if the legislative body finds that such an a need for fire and emergency services or other emergency exists, it may issue a special order, entered and signed on the record, authorizing the executive to borrow a specified amount of money sufficient to meet the emergency.

(c) Notwithstanding IC 36-8-13-4(a), the legislative body may authorize the executive to borrow a specified sum from a township fund other than the township firefighting fund if the legislative body finds that the emergency requiring the expenditure of money is related to paying the operating expenses of a township fire department or a volunteer fire department. At its next annual session, the legislative body shall cover the debt created by making a levy to the credit of the fund for which the amount was borrowed under this subsection.

(d) In determining whether a fire and emergency services need exists requiring the expenditure of money not included in the township's budget estimates and levy, the legislative body and any reviewing authority considering the approval of the additional borrowing shall consider the following factors:

- (1) The current and projected certified and noncertified public safety payroll needs of the township.
- (2) The current and projected need for fire and emergency services within the jurisdiction served by the township.
- (3) Any applicable national standards or recommendations for the provision of fire protection and emergency services.
- (4) Current and projected growth in the number of residents

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and other citizens served by the township, emergency service runs, certified and noncertified personnel, and other appropriate measures of public safety needs in the jurisdiction served by the township.

(5) Salary comparisons for certified and noncertified public safety personnel in the township and other surrounding or comparable jurisdictions.

(6) Prior annual expenditures for fire and emergency services, including all amounts budgeted under this chapter.

(7) Current and projected growth in the assessed value of property requiring protection in the jurisdiction served by the township.

(8) Other factors directly related to the provision of public safety within the jurisdiction served by the township.

(e) In the event the township received additional funds under this chapter in the immediately preceding budget year for an approved expenditure, any reviewing authority shall take into consideration the use of the fund in the immediately preceding budget year and the continued need for funding the services and operations to be funded with the proceeds of the loan.

SECTION 8. IC 36-6-6-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) If the legislative body finds that an emergency requires the borrowing of money to meet the township's current expenses, it may take out temporary loans in an amount not more than ~~fifty eighty~~ percent (~~50%~~) **(80%)** of the total anticipated revenue for the remainder of the year in which the loans are taken out.

(b) The legislative body must authorize the temporary loans by a resolution:

- (1) stating the nature of the consideration for the loans;
- (2) stating the time the loans are payable;
- (3) stating the place the loans are payable;
- (4) stating a rate of interest;
- (5) stating the anticipated revenues on which the loans are based and out of which they are payable; and
- (6) appropriating a sufficient amount of the anticipated revenues on which the loans are based and out of which they are payable for the payment of the loans.

(c) The loans must be evidenced by time warrants of the township stating:

- (1) the nature of the consideration;
- (2) the time payable;

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- 1 (3) the place payable; and
- 2 (4) the anticipated revenues on which they are based and out of
- 3 which they are payable.
- 4 **SECTION 9. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Utilities and Regulatory Affairs, to which was referred Senate Bill No. 213, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, delete "thirty (30)" and insert "**sixty (60)**".

Page 1, line 17, delete "thirty (30)" and insert "**sixty (60)**".

and when so amended that said bill do pass.

(Reference is to SB 213 as introduced.)

HERSHMAN, Chairperson

Committee Vote: Yeas 9, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 213, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 7, nays 3.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-2-125 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 125. (a) As used in this section, "not-for-profit utility" means a public water or sewer utility that:

(1) does not have shareholders;

ES 213—LS 6784/DI 101+



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(2) does not engage in any activities for the profit of its trustees, directors, incorporators, or members; and

(3) is organized and conducts its affairs for purposes other than the pecuniary gain of its trustees, directors, incorporators, or members.

(b) A not-for-profit utility shall be required to furnish reasonably adequate services and facilities. ~~The charge made by any A~~ not-for-profit utility **is entitled:**

(1) to charge nondiscriminatory, reasonable, and just charges for any service rendered or to be rendered, either directly or in connection with the service; ~~must be nondiscriminatory, reasonable, and just; and~~

(2) to the remedies set forth in section 125.1 of this chapter if the charges described in subdivision (1) are not paid within sixty (60) days after they become due.

Each discriminatory, unjust, or unreasonable charge for the service is prohibited and unlawful.

(c) A reasonable and just charge for water or sewer service within the meaning of this section is a charge that will produce sufficient revenue to pay all legal and other necessary expense incident to the operation of the not-for-profit utility's system, including the following:

- (1) Maintenance and repair costs.
- (2) Operating charges.
- (3) Interest charges on bonds or other obligations.
- (4) Provision for a sinking fund for the liquidation of bonds or other evidences of indebtedness.
- (5) Provision for a debt service reserve for bonds or other obligations in an amount not to exceed the maximum annual debt service on the bonds or obligations.
- (6) Provision of adequate funds to be used as working capital.
- (7) Provision for making extensions and replacements.
- (8) The payment of any taxes that may be assessed against the not-for-profit utility or its property.

The charges must produce an income sufficient to maintain the not-for-profit utility's property in sound physical and financial condition to render adequate and efficient service. A rate too low to meet these requirements is unlawful.

(d) Except as provided in subsection (e), a not-for-profit public sewer utility may require connection to its sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures, if:

- (1) there is an available sanitary sewer within three hundred (300)

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feet of the property line; and

(2) the utility has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before the date for connection stated in the notice.

(e) A ~~not-for-profit~~ **not-for-profit** sewer utility may not require connection to its sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if the source of the waste is more than five hundred (500) feet from the point of connection to its sewer system.

SECTION 2. IC 8-1-2-125.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 125.1. (a) As used in this section, "not-for-profit sewer utility" refers to a not-for-profit utility (as defined in section 125(a) of this chapter) that:**

- (1) is established to provide sewage disposal service (as defined in section 89(a)(1) of this chapter); and**
- (2) holds a certificate of territorial authority as required by section 89 of this chapter.**

(b) Subject to subsection (c), if any charges assessed under section 125(b) of this chapter by a not-for-profit sewer utility are not paid within sixty (60) days after they become due:

- (1) the amount, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the not-for-profit sewer utility in a civil action in the name of the not-for-profit sewer utility from the delinquent user or owner of the property served by the utility's sewage works; and**
- (2) the not-for-profit sewer utility may require that a water utility providing water service to a delinquent user discontinue service until payment of all overdue charges, together with any penalty allowed under subdivision (1), are received by the not-for-profit sewer utility.**

(c) If charges assessed under section 125(b) of this chapter by a not-for-profit sewer utility are not paid within sixty (60) days after they become due, the not-for-profit sewer utility or the utility's designee shall send notice to the delinquent user stating:

- (1) the delinquent amount due, together with any penalty;**
- (2) that:**
 - (A) water service may be disconnected;**
 - (B) the not-for-profit sewer utility may bring a civil action to recover the amount due, together with any penalty and a reasonable attorney's fee; or**
 - (C) both of the actions described in clauses (A) and (B)**

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may be taken;

if the user continues not to pay the delinquency and any penalty; and

(3) the procedure for resolving disputed bills.

The not-for-profit sewer utility shall adopt a procedure for resolving disputed bills, as described in subdivision (3), that includes an opportunity for a delinquent user to meet informally with designated personnel empowered to correct incorrect charges. Payment of a disputed bill and penalties by a user does not constitute a waiver of rights to subsequently claim and recover from the not-for-profit sewer utility sums improperly charged to the user.

(d) If the user fails to pay the delinquent amount or otherwise fails to resolve the charges as specified under subsection (c), the not-for-profit sewer utility or the utility's designee shall give written notice to the water utility serving the user to discontinue water service to the premises designated in the notice until notified otherwise. The notice must identify the delinquent user in enough detail to enable the water utility to identify the water service connection that is to be terminated. Upon receipt of the notice, the water utility shall disconnect water service to the user.

(e) Water service may not be shut off under this section if a local board of health has found and certified to the not-for-profit sewer utility that the termination of water service will endanger the health of the user and others in or near the territory served by the not-for-profit sewer utility.

(f) A water utility that discontinues water service in accordance with an order from a not-for-profit sewer utility or the not-for-profit sewer utility's designee does not incur any liability except to the extent of the water utility's own negligence or improper conduct.

(g) If the water utility does not discontinue service within thirty (30) days after receiving notice from the not-for-profit sewer utility, the water utility is liable for any sewer rates or charges that are:

- (1) incurred thirty (30) days after the water utility's receipt of notice to discontinue water service; and
- (2) not collected from the user.

(h) In addition to the penalties set forth in subsection (b), a delinquent user may not discharge water into the not-for-profit sewer utility's sewers and may have the property disconnected from the not-for-profit sewer utility's sewers."

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Page 2, line 3, delete "that water service may be disconnected if the user" and insert **"that:**

(A) water service may be disconnected;

(B) the board may bring a civil action to recover the amount due, together with any penalty and a reasonable attorney's fee; or

(C) both of the actions described in clauses (A) and (B) may be taken;

if the user continues not to pay the delinquency and any penalty; and".

Page 2, delete line 4.

Page 2, line 12, delete "If the user fails to pay the delinquent amount or otherwise" and insert **"If:**

(1) the user fails to pay the delinquent amount or otherwise fails to resolve the charges as specified under subsection (d); and

(2) the board opts to require that a water utility providing water service to the user discontinue water service to the user, as authorized by subsection (c);

the".

Page 2, delete line 13.

Page 2, run in lines 12 through 14.

Page 2, between lines 38 and 39, begin a new paragraph and insert:
"SECTION 4. IC 34-30-2-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 23.5. IC 8-1-2-125.1(f) (Concerning discontinuance of water service by a water utility).**".

Page 2, line 41, before "IC 13-26-11-14.5(g)" insert **"Sec. 51.9."**

Re-number all SECTIONS consecutively.

(Reference is to ESB 213 as printed February 15, 2008.)

WELCH

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Page 1, line 11, after "works." insert **"A civil action authorized by this subsection may be filed on the small claims docket of a court that has jurisdiction."**

Page 1, delete lines 12 through 15.

ES 213—LS 6784/DI 101+



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Page 1, line 16, delete "(d)" and insert "(c)".

Page 2, line 3, delete "water service may be disconnected" and insert **"the board may bring a civil action to recover the amount due, together with any penalty and a reasonable attorney's fee,"**.

Page 2, line 12, delete "(e)" and insert "(d)".

Page 2, line 13, delete "(d)," and insert "(c),".

Page 2, line 14, delete "or the board's designee shall give written notice to the water" and insert **"may initiate a civil action as authorized by subsection (b)."**

Page 2, delete lines 15 through 34.

Page 2, line 35, delete "(i)" and insert "(e)".

Page 2, line 35, delete "subsections (b) and (c)" and insert **"subsection (b)".**

Page 2, delete lines 39 through 42.

(Reference is to ESB 213 as printed February 15, 2008.)

WOLKINS

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Page 1, line 4, delete "one hundred" and insert **"three hundred fifty (350)"**.

Page 1, line 5, delete "twenty-five (125)".

Page 2, line 41, before "IC 13-26-11-14.5(g)" insert **"Sec. 51.9"**.

(Reference is to ESB 213 as printed February 15, 2008.)

EBERHART

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 2, after line 42, begin a new paragraph and insert:

ES 213—LS 6784/DI 101+



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"SECTION 3. IC 36-6-6-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13.5. (a) A special meeting may be held by the legislative body if the executive, the chairman of the legislative body, or a majority of the members of the legislative body issue a written notice of the meeting to each member of the legislative body. The notice must state the time, place, and purpose of the meeting.**

(b) The legislative body may consider any matter at a special meeting. However, the only matters that may be acted on at the special meeting are the matters set forth in the notice.

SECTION 4. IC 36-6-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) A special meeting may be held by the legislative body if the executive, the chairman of the legislative body, or a majority of the members of the legislative body issue a written notice of the meeting to each member of the legislative body. The notice must state the time, place, and purpose of the meeting.**

(b) At the any special meeting, if two (2) or more members give their consent, the legislative body may determine whether there is an a need for fire and emergency services or other emergency requiring the expenditure of money not included in the township's budget estimates and levy.

(b) Subject to section 14.5 of this chapter, if the legislative body finds that such an a need for fire and emergency services or other emergency exists, it may issue a special order, entered and signed on the record, authorizing the executive to borrow a specified amount of money sufficient to meet the emergency.

(c) Notwithstanding IC 36-8-13-4(a), the legislative body may authorize the executive to borrow a specified sum from a township fund other than the township firefighting fund if the legislative body finds that the emergency requiring the expenditure of money is related to paying the operating expenses of a township fire department or a volunteer fire department. At its next annual session, the legislative body shall cover the debt created by making a levy to the credit of the fund for which the amount was borrowed under this subsection.

(d) In determining whether a fire and emergency services need exists requiring the expenditure of money not included in the township's budget estimates and levy, the legislative body and any reviewing authority considering the approval of the additional borrowing shall consider the following factors:

(1) The current and projected certified and noncertified

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public safety payroll needs of the township.

(2) The current and projected need for fire and emergency services within the jurisdiction served by the township.

(3) Any applicable national standards or recommendations for the provision of fire protection and emergency services.

(4) Current and projected growth in the number of residents and other citizens served by the township, emergency service runs, certified and noncertified personnel, and other appropriate measures of public safety needs in the jurisdiction served by the township.

(5) Salary comparisons for certified and noncertified public safety personnel in the township and other surrounding or comparable jurisdictions.

(6) Prior annual expenditures for fire and emergency services, including all amounts budgeted under this chapter.

(7) Current and projected growth in the assessed value of property requiring protection in the jurisdiction served by the township.

(8) Other factors directly related to the provision of public safety within the jurisdiction served by the township.

(e) In the event the township received additional funds under this chapter in the immediately preceding budget year for an approved expenditure, any reviewing authority shall take into consideration the use of the fund in the immediately preceding budget year and the continued need for funding the services and operations to be funded with the proceeds of the loan.

SECTION 5. IC 36-6-6-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) If the legislative body finds that an emergency requires the borrowing of money to meet the township's current expenses, it may take out temporary loans in an amount not more than ~~fifty eight~~ percent ~~(50%)~~ **(80%)** of the total anticipated revenue for the remainder of the year in which the loans are taken out.

(b) The legislative body must authorize the temporary loans by a resolution:

- (1) stating the nature of the consideration for the loans;
- (2) stating the time the loans are payable;
- (3) stating the place the loans are payable;
- (4) stating a rate of interest;
- (5) stating the anticipated revenues on which the loans are based and out of which they are payable; and
- (6) appropriating a sufficient amount of the anticipated revenues

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on which the loans are based and out of which they are payable for the payment of the loans.

(c) The loans must be evidenced by time warrants of the township stating:

- (1) the nature of the consideration;
- (2) the time payable;
- (3) the place payable; and
- (4) the anticipated revenues on which they are based and out of which they are payable.

SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 213 as printed February 15, 2008.)

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